
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.: 2:23-cv-06497-JLS-AS

Date: August 17, 2023

Title: Ralph Pickett Jr. v. Navient Solutions LLC

Present: **Honorable JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE**

Gabby Garcia
Deputy Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

Not Present

Not Present

**PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE REMANDED TO STATE COURT**

On June 13, 2023, Plaintiff Ralph Pickett Jr. filed this action in Los Angeles County Superior Court bringing claims for breach of contract and fraud. (Compl., Doc. 1-1.) On August 8, 2023, Defendant Navient Solutions, LLC removed the action to this Court, invoking federal question jurisdiction. (Notice of Removal (“NOR”), Doc. 1 at 2.) Specifically, Defendant asserts that this Court has original subject matter jurisdiction over this action because Plaintiff’s claim “relies on” the Fair Debt Collection Practices Act (“FDCPA”) and the Fair Credit Reporting Damages Act (“FCRA”). (*Id.*)

“Federal courts are courts of limited jurisdiction.” *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). “[T]he district court ha[s] a duty to establish subject matter jurisdiction . . . *sua sponte*, whether the parties raise[] the issue or not.” *United Inv’rs Life Ins. Co. v. Waddell & Reed Inc.*, 360 F.3d 960, 967 (9th Cir. 2004). As the party invoking federal jurisdiction, Defendant has the burden of establishing the existence of subject matter jurisdiction. *See Kokkonen*, 511 U.S. at 377. The determination whether the case “arises under” federal law is governed by the “well-pleaded complaint rule,” which provides that “federal jurisdiction exists only when a federal question is presented on the face of the plaintiff’s properly pleaded complaint.” *Caterpillar, Inc. v. Williams*, 482 U.S. 386, 392 (1987).

Here, no federal claim appears on the face of the Complaint. Navient appears to be relying in part on a letter Pickett apparently sent them in March of 2019 in which he stated that he would “not hesitate in bringing legal action against you for the following: 1) Violation of the Fair Credit Reporting Act 2) Violation of the Fair Debt Collection

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Practices Act” (Doc. 1-2 at 15.) However, the claims actually stated in the Complaint for fraud and breach of contract are state-law claims

Accordingly, Navient is ORDERED to show cause, in writing, no later than **five days from the date of this Order**, why the Court should not remand this action to state court.

Initials of Deputy Clerk: gga